

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

DAVID ANTHONY TOFFLEMIRE

PLAINTIFF

V.

CAUSE NO.: 4:08CV142-SA

MARCUS FULLWILEY

DEFENDANT

ORDER OF DISMISSAL

The Plaintiff was ordered to appear this date, October 4, 2010, to explain to the Court why he failed to appear at the final pretrial conference held on September 14, 2010. Plaintiff failed to appear again and did not contact the Court prior to this date. Adequate and sufficient notice has been given to Plaintiff prior to these two occasions.

Accordingly, this case is DISMISSED WITH PREJUDICE for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED, this the 4th day of October, 2010.

/s/ Sharion Aycock  
U.S. DISTRICT JUDGE